



## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/834,998	04/13/2001	Roberto A. Gaxiola	0399.2004-002

CONFIRMATION NO. 4319

## FORMALITIES LETTER



\*OC000000006062482\*

Anne J. Collins, Esq.  
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
Two Militia Drive  
Lexington, MA 02421-4799



Date Mailed: 05/10/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/04/2002 SMINASS1 00000066 09834998

01 FC:201	370.00 OP
02 FC:203	504.00 OP
03 FC:202	504.00 OP
04 FC:205	65.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$1968.
  - \$1008 for 56 total claims over 20.
  - \$960 for 12 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2808.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e));

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

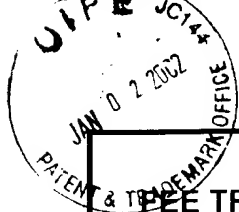
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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



# HAMILTON BROOK, SMITH & REYNOLDS, P.C.

## FREE TRANSMITTAL FOR PATENT APPLICATIONS

Attorney Docket Number : 0399.2004-002  
Application Number : 09/834,998  
First Named Inventor : Roberto A. Gaxiola

CLAIM CALCULATION (includes any preliminary amendment)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	76 - 20* =	56	x \$ 18 =	\$ 1008
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	15 - 3** =	12	x \$ 84 =	\$ 1008
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 280 =	\$
				BASIC FEE (37 CFR 1.16(a) or (h))	\$ 740
	Total of above Calculations =				\$ 2756
	Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =				\$ 1378
	TOTAL =				\$ 1378
	Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) =				\$ 65
	Petition for Extension of Time Fee (37 C.F.R. 1.17) =				\$ 720
	Assignment Recordation Fee = (only when filed with application)				\$
	* Reissue claims in excess of 20 and over original patent ** Reissue independent claims over original patent				
	TOTAL =				\$ 2163

1. Small entity status:

- a. ☒ A small entity statement is enclosed (2 Documents).
- b. ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

2. ☒ A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

3. ☐ A check is enclosed for \$2,163. ☐ Please charge \$[ ] to Deposit Account No. 08-0380.

4. ☐ Other: \_\_\_\_\_

Signature

*Anne J. Collins*

Date

*November 12, 2001*

Submitted by  
Typed or Printed Name

Anne J. Collins

Reg. Number

40,564

HAMILTON  
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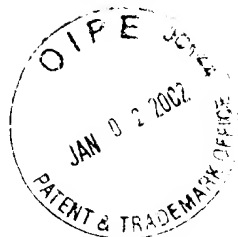
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BARBARA J. FORGUE  
ADMINISTRATOR OF  
PATENT AND  
TRADEMARK PRACTICE



## ANNOUNCEMENT

Please note that Hamilton, Brook, Smith & Reynolds, P.C.,  
has relocated.

Effective immediately, our new postal address and contact  
numbers are as follows:

Hamilton, Brook, Smith & Reynolds, P.C.  
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USA

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Facsimile: (978) 341-0136

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Roberto A. Gaxiola, Gerald R. Fink and Seth L. Alper  
Application No.: 09/834,998 Group: 1638  
Filed: April 13, 2001 Examiner: Not Assigned  
For: Proton Transporters And Uses In Plants



CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on 11.12.01	Jenine Crump
Date	Signature
Jenine Crump	
Typed or printed name of person signing certificate	

COPY OF PAPERS  
ORIGINALLY FILED

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In reply to the Notice to File Missing Parts dated May 10, 2001, the following documents and fees are being submitted for filing in the captioned application. A copy of the Notice is attached.

- [X] **EXECUTED DECLARATION/POWER OF ATTORNEY**  
(Separate transmittal letter and postcard not required)
- [X] **FILING FEE** - with Fee Transmittal for Patent Applications in duplicate.  
(Separate transmittal letter and postcard not required)
- [X] **SURCHARGE** - surcharge fee of \$65.00  
(Separate transmittal letter and postcard not required)
- [X] **SEQUENCE LISTING** - Filed concurrently and is attached.  
(Separate transmittal letter and postcard required)

☒ **TRANSMITTAL OF SUBSTITUTE DRAWINGS**

[3] Sheets of substitute drawings consisting of Figs. 1A, 1B, 2, 3A and 3B are enclosed.  
(Separate transmittal letter and postcard not required)

☒ **PETITION FOR EXTENSION OF TIME**

☒ Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated May 10, 2001 for four month(s) from July 10, 2001 to November 10, 2001. The appropriate fee of \$720.00 is included in the enclosed check.

☐ A [ ] month extension of time to respond to the Notice to File Missing Parts dated [ ] was filed on [ ] with payment of a \$[ ] fee.

☐ Applicant hereby petitions for an additional [ ] month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$[ ] is included in the enclosed check.

(Separate Petition for Extension of Time and postcard not required)

☐ **REQUEST FOR CORRECTED FILING RECEIPT** - Filed concurrently and is attached.

(Separate transmittal letter and postcard required)

☒ **STATEMENT CLAIMING SMALL ENTITY STATUS**

☐ Was filed on [ ] .

☒ 2 Document(s) are enclosed herewith.

(Separate transmittal letter and postcard not required)

☐ In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$[ ] which were paid on [ ] to be deposited in Deposit Account No. 08-0380.

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$2,163. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

Anne J. Collins

Anne J. Collins

Registration No.: 40,564

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Concord, MA 01742-9133

Date: November 12, 2001